

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

JOHNNIE NEWSOME, )  
vs. )  
Plaintiff, )  
vs. )  
CASE NO. 3:13-1086  
WILLIAM GISE, )  
Defendant. )  
JUDGE CAMPBELL/KNOWLES

## **REPORT AND RECOMMENDATION**

This matter is before the Court upon Defendant's "Motion for Sanction of Dismissal and Memorandum in Support." Docket No. 25. Defendant essentially argues that Plaintiff, who was a prisoner at the time of the filing of the Complaint, and who has been proceeding pro se, has failed to keep the Court apprised of his current address.

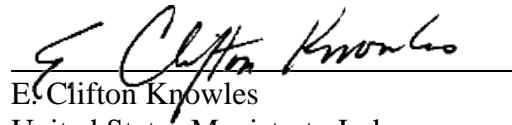
Defendant points out that, in an Order entered by Judge Campbell on October 9, 2013, Plaintiff was “forewarned that his prosecution of this action will be jeopardized should he fail to keep the Clerk’s Office informed of his current address.” Docket No. 3. Additionally, on December 23, 2013, the undersigned entered a Scheduling Order warning that “plaintiff’s failure to keep the Court informed of his/her current address may result in a recommendation that his action be dismissed for failure to prosecute and failure to comply with the Court’s order.” Docket No. 13.

The record reflects that mail from the Clerk's Office has been returned as undeliverable, and marked "Released," on two separate occasions in May and June 2014. Docket Nos. 21, 24.

Additionally, Plaintiff has not filed a Response to the instant Motion. Pursuant to Local Rule 7.01(b), Plaintiff's failure to file a Response to the Motion indicates that there is no opposition to it.

For the foregoing reasons, the undersigned recommends that this action be dismissed with prejudice for Plaintiff's failure to comply with the Court's prior Orders pursuant to Fed. R. Civ. P. 41(b).

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



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E. Clifton Knowles  
United States Magistrate Judge